

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*

Debtors.

Case No. 12-12020 (MG)

Jointly Administered

**ORDER ESTABLISHING PROCEDURES FOR TRIAL OF CONTESTED MATTER
CONCERNING CLAIMS OF FRANK AND CHRISTINA REED**

On July 9, 2014, Frank Reed, acting *pro se*, and counsel for the ResCap Borrower Claims Trust (the “Trust”) appeared at a hearing on the Trust’s Objection to the proofs of claim filed by Frank and Christina Reed. On July 11, 2014, the Court entered an Order sustaining in part and overruling in part the Trust’s Objection to the Reeds’ Claims and concluding that the Objection presents a contested matter. (*See* July 11, 2014 Order, ECF Doc. # 7246.) The July 11, 2014 Order scheduled an evidentiary hearing on the surviving causes of action for September 15 and 16, 2014, and established deadlines and procedures in this matter. This Order supplements the July 11, 2014 Order, establishing certain additional procedures and deadlines. (References to “counsel” in this Order also means the Reeds if they continue to appear without counsel.)

1. The Court will hold a telephonic status conference at 3:00 p.m., August 25, 2014.
2. A final pretrial conference will be held at 10:00 a.m., September 8, 2014.

A. Filings Before Trial.

On or before 10 a.m., September 8, 2014, each party shall file, and provide two courtesy copies to chambers, of:

1. A pretrial memorandum, including a statement of the elements of each claim or defense against each claim, together with a summary of the facts relied upon to establish each element, and addressing any evidentiary issues anticipated to arise during trial; and

2. Proposed findings of fact and conclusions of law for each claim and defense.

B. Submissions Prior to Trial.

On or before 5:00 p.m., September 8, 2014, each party shall provide the Court (but not file) with two copies of the following:

- (i) final witness and exhibit lists;
- (ii) two copies of pre-marked exhibits, assembled sequentially in notebooks and tabbed, or, if too voluminous, with each exhibit placed in a separate manila folder with number or letter visible on the lip, and the folder placed in a suitable container or box for ready reference;
- (iii) any deposition excerpts intended to be offered into evidence, marked to show all designations and counter-designations of testimony and unresolved objections, if any.

Exhibits shall be marked for identification as follows: the Reeds shall mark each of their exhibits with numbers (e.g., 1, 2, 3, etc.); the Trust shall mark each of its exhibits with letters (e.g., A, B, C, etc.).

Counsel should provide one copy of the witness and exhibit lists and one set of exhibits to opposing counsel by the same deadline. Witnesses or exhibits not listed in the witness and exhibit lists may not thereafter be added or called as witnesses or offered in evidence at trial. Any deposition transcript used only for impeachment or refreshing recollection need not be lodged with the Court in advance, but shall be provided to the Court and opposing counsel at the time the transcript is used during trial.

C. Use of Exhibits During Trial.

Counsel must identify for the Court and opposing counsel, each pre-marked exhibit before using it at trial, and give a copy to the witness. All exhibits that will be shown to a witness should, if possible, be placed before the witness at the start of the witness examination.

Questions of witnesses and arguments should be delivered from the lectern, but counsel may approach the witness without asking leave whenever it is necessary. If the Reeds appear at trial without counsel, and either Mr. or Mrs. Reed testifies as a witness, he or she may testify in the narrative form, subject to objections to the testimony by the Trust's counsel.

D. Trial Dates.

The trial shall begin at 9:00 a.m., September 15, 2014, and continue, if necessary, at 9:00 a.m., September 16, 2014. Each party is responsible for having witnesses present and ready to testify without any delays or gaps in testimony.

E. Status Report.

On or before 5:00 p.m., September 8, 2014, the parties shall submit a written status report to the Court, identifying any issues that must be resolved before the trial starts, and also whether the parties believe the case may be resolved by settlement before the trial begins.

IT IS SO ORDERED.

Dated: July 22, 2014
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge